

COPY

MINUTES

CHICOPEE MOBILEHOME RENT CONTROL BOARD

SEPTEMBER 21, 2009 @ 6:00 P.M.

MEMBERS PRESENT

Robert Hopkins, Sharyn Riley, Ronald Lafond

ALSO PRESENT

Kevin Corridan, Attorney for the Board
Chantal Paul, Secretary to the Board

CITY CLERK'S OFFICE
CITY OF CHICOPEE
2009 DEC 22 P 1:46

OLD BUSINESS

Robert Hopkins: Do we have a motion to approve the minutes of March 10, 2008.

Ronald Lafond: I make a motion to accept the minutes.

Sharyn Riley: I second the motion. Motion passed unanimously.

Robert Hopkins: Any old business to come before us?

Ronald Lafond: No.

Robert Hopkins: We are responding to a request for an increase of S&M Bluebird, and this begins the process for examination of their proposal. We've received, only so far Chantal, the request for Initial Meeting, no other information as of this time?

Chantal Paul: Correct.

Robert Hopkins: First of all, according to Procedural Rules, and Attorney Corridan you can probably concur that the Rules call for the Board to receive, in writing, the statement from S&M Bluebird stating that the tenants have been notified of the Initial Meeting. It does not necessarily have to be certified mail.

Kevin Corrdian: That's what the Rules say.

Robert Hopkins: Have you so done?

Marc Dugre: Yes.

Robert Hopkins: Okay, so it was given to the Tenant's Association president. Are we in agreement that that constitutes adequate notification, Board?

Board: Yes.

Robert Hopkins: Reading September 7, 2008 from Stanley Grochmal. Are we in agreement that this constitutes official notice?

Ronald Lafond: I make a motion to accept.

Sharyn Riley: I make a motion to accept.

Kevin Corridan: Actually, the owner shall be obligated to notify each tenant, in writing, of the date and time of the location of the Initial Meeting. They must certify to the Board that they have done so.

Robert Hopkins: That was my concern, has this been done.

Stanley Grochmal: This Initial Meeting is just to get a date.

Kevin Corridan: The way we preceded last time was, he's correct; we had three meetings instead of two.

Robert Hopkins: Okay, so we're going to have to go into a separate meeting: Correct? So in order to start the clock has to have all the tenants notified? Is that correct?

Kevin Corridan: We would have to have an Initial Meeting scheduled.

Robert Hopkins: So this cannot be an Initial Meeting because they were not properly notified?

Kevin Corridan: Well, this is the first meeting to set up a scheduled Initial Meeting.

Robert Hopkins: My understanding was that this was the Initial Meeting. Again, some of this meeting rules are waivable by myself or the Board to make it go forward if appropriate.

Robert Hopkins: Let's back up. Let's look at what the Rules say. Bob reads Rules. So we can schedule the Initial Meeting for October. So we are in receipt of a request for increase of rent by S&M Bluebird. Can we vote to accept that as an official request and act on it and schedule the Initial Meeting.

Sharyn Riley: I make a motion to accept.

Ronald Lafond: I second the motion. *Motion passed unanimously.*

Robert Hopkins: We have reserved the room for October, which is October 19th @ 6:00, here. Shall we make a motion that that be the night for the Initial Meeting.

Ronald Lafond: I make the motion.

Sharyn Riley: Second. *Motion passed unanimously.*

Mark Grochmal: By Friday they'll all be notified but it's not going to be a full 30 days.

Kevin Corridan: This is not the Initial Meeting.

Robert Hopkins: Reads Rule C, so as of October you have 30 days to provide the required information to your tenants. Again, you do not need to send that certified mail, as long as they all get all of the evidence that you're going to present.

Kevin Corridan: Yes, it doesn't matter.

Robert Hopkins: It's not a mandate that it has to be thirty (30) days. Do we have any issues with them distributing this at the time so the tenant's have the ability to look at that.

Ronald Lafond: I think that's a good idea.

Robert Hopkins: We need to be notified that you have done this in writing.

So the Board shall also order a tenant who attends to provide any information to the Board within sixty (60) days of the Initial Meeting. Any information not presented to all parties within the applicable timelines will not be admissible at the rent adjustment hearing except for rebuttal testimony.

Bob reads rules. October will be the Initial Meeting and November will be the meeting which we will look at all the evidence presented and decide or put it off for another meeting. We may or may not decide. Bob continues to read rules.

Do we have any other business with S&M Bluebird, other than the setting of the date for the Initial Meeting. See you October 19th.

WESTOVER TRAILER PARK, INC.

Next order of business on the agenda will be the request from the Westover Trailer Park from Fran Mathieu to request an increase of rent. Mr. Dugre, have then tenant's of the Westover Trailer Park been notified of this meeting?

Marc Dugre: Yes, we posted it.

Robert Hopkins: Okay, you posted it. That's fine. What we've reviewed for the other trailer park was the Rules. We're not going to be taking any evidence tonight. This is actually a preliminary meeting. The hearing will take place sometime in November. We have a thirty (30) day or so window in which the tenants have an opportunity to review the proposal, obtain counsel, obtain information. The only question is whether it will be

the date we have already reserved for S&M Bluebird. We need to have receipt from you attesting that the tenants have been notified of the Initial Meeting, you don't have to send it certified but you have to send it to them by mail, or by hand, and so forth. We are going to do the same procedure as the previous park; we are going to accept the proposal. Bob continues to read Rules.

Tenant: Have you seen this proposal?

Robert Hopkins: I have not seen this proposal; it just arrived 15 seconds ago. This is going to be distributed to all the tenants for their review. This is not being received for us to look at right now, this is going to go out to you guys, and everybody will be getting a copy. I will not read all of the Rules again; I will tell you that they're available on the web. So we are in agreement that we are going to schedule the Initial Meeting for October 19, 2009. At that time the tenants have the opportunity to review and submit written testimony for our consideration. We'll plan on taking the agenda at 6:30 on October 19, 2009. I will not entertain the business of Westover Trailer Park until 6:30. Do we have any questions from the floor?

Tenant: inaudible.

Robert Hopkins: I'm sorry, maybe I didn't make that clear, seven (7) days from tonight you need to get this to these people and you or Mr. Dugre can attest that they've been delivered, we don't need to see postal receipts. Any other questions? This again, the Mobilehome Rent Control Board acts to review the appropriateness of rent increases or decreases based on evidence. It's not free market. Some issues come up that are not within the power of the Board. If there's a pothole in the park, we don't really have the ability to have that taken care of, that's between you and the owner. Our power simply is to review the proposal, the appropriateness, accuracy and to be fair, this is about fairness. Do we have any questions from the Board?

Tenant: Inaudible.

Robert Hopkins: I have not looked at the proposal; I got it as you saw me get it. We did not receive it any earlier. The request for an increase will be included with this packet which will be sent to you within seven (7) days.

Tenant: How often is he able to go up?

Robert Hopkins: Well, I believe it's been over a year. It's been almost two years, October 12, 2007. My point is that it's better to review this as the things come up every year or two rather than waiting for a long period of time to go by.

Do we have any new business to come before the Board tonight?

Kevin Corridan: Do you vote to receive the their letter.

Robert Hopkins: May we have a motion that we accept the letter to schedule an Initial Meeting for Westover Trailer Park?

Ronald Lafond: I make a motion to accept.

Sharyn Riley: I second it. *Motion passed unanimously.*

Tenant: Is there any way that you guys can take a drive through the park?

Robert Hopkins: If we were going to take a view of the park, that's gathering evidence, and, technically, I'm not sure that would be allowed at an open meeting. If we get together to get a coffee and walk through the park and see what you guys are talking about, that's constitutes a meeting under the Open Meeting Law, once we leave here, we can't even say "hey Ron, what did you think of that" or Sharyn, no it's not done that way. The point is if you have issues you need to bring up I would suggest that you take pictures and submit that to the Board. We can look at it when we're all together at a meeting.

Sharyn Riley: I would like to make a motion that we send a letter to the Mayor filling the vacancies on the Board.

Ronald Lafond: I second the motion. *Motion passed unanimously.*

Robert Hopkins: Any further business? I need a motion to adjourn.

Ronald Lafond: I make a motion.

Sharyn Riley: *I second. Motion passes unanimously.*

Motion to adjourn @ 6:55 p.m.